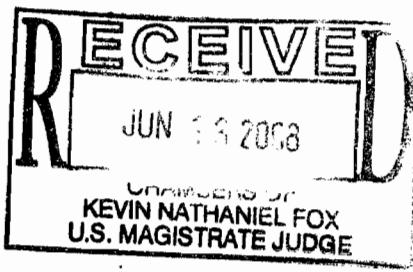


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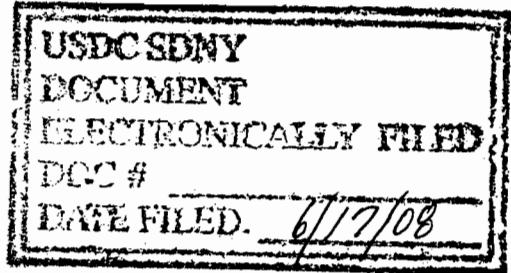
## MEMO ENDORSED

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June 13, 2008

VIA FAX-212-805-6712

Hon. Kevin Nathaniel Fox  
United States Magistrate  
United States District Court  
for the Southern District of New York  
500 Pearl Street  
New York, New York 10007



Re: U.S. Bank, N.A. v. Southwest Airlines Co., 07 Civ. 11131  
(DLC)(KNF)

Dear Judge Fox:

We write to convey a joint request by plaintiff and defendant to adjourn the Settlement Conference currently scheduled to be held before Your Honor on June 30, 2008.

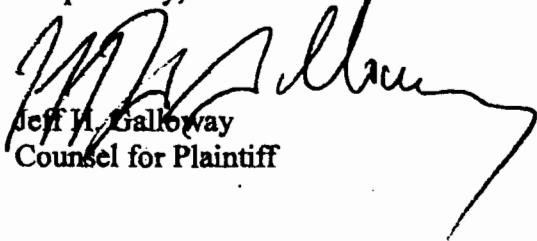
We make this request for two reasons. First, the undersigned, who is lead counsel for plaintiff, has a conflict on June 30, 2008 that prevents my attendance on that particular date, and second, defendant prefers to conduct a settlement conference after the completion of depositions of key witnesses. Plaintiff does not object to holding a formal settlement conference after such depositions. The parties are discussing holding direct settlement talks in the near future to determine if it is possible to resolve this matter prior to incurring unnecessary further litigation costs.

The parties are currently conducting document discovery and do not anticipate or desire any extension of the current fact discovery cut-off date of September 26, 2008. The parties are actively working to schedule depositions of parties and non-parties, but because of scheduling issues involving both counsel and witnesses, we do not anticipate taking depositions before late July or early August, and anticipate that depositions will continue into early September. Accordingly, the parties request that the Settlement Conference be rescheduled to a date in September on or after September 15, 2008. The parties are generally available to hold a settlement conference on any day between September 15 and September 30.

6/17/08  
Application granted.  
The settlement conference  
will be held on October 7, 2008,  
at 2:30 p.m. SO ORDERED.  
Kevin Nathaniel Fox, U.S.M.J.

No prior request for an adjournment of the Settlement Conference has been made. This letter has been reviewed by opposing counsel; both parties join in this request.

Respectfully,



Jeff H. Galloway  
Counsel for Plaintiff

cc: Michael Tremonte, Esq.  
Counsel for Defendant  
(via fax: 212-957-4514)